



**Service of Process  
Transmittal**

06/11/2013

CT Log Number 522895630

**TO:** Carrie Troesch  
Nationwide Mutual Insurance Company  
One Nationwide Plaza, 1-30-401  
Columbus, OH 43215-2220

**RE: Process Served in Tennessee**

**FOR:** Nationwide Mutual Insurance Company (Domestic State: OH)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** Angel M. Jones and Gary Morgan Jones, etc., Pltfs. vs. Nationwide Mutual Insurance Company, Dft.

**DOCUMENT(S) SERVED:** Letter, Summons, Return of Service, Complaint, Cost Bond

**COURT/AGENCY:** 30th Judicial District Chancery Court at Memphis, TN  
Case # CH1307441

**NATURE OF ACTION:** Insurance Litigation - Policy benefits claimed for personal injuries received as a result of a vehicle collision on July 12, 2011

**ON WHOM PROCESS WAS SERVED:** C T Corporation System, Knoxville, TN

**DATE AND HOUR OF SERVICE:** By Certified Mail on 06/11/2013 postmarked on 06/06/2013

**JURISDICTION SERVED:** Tennessee

**APPEARANCE OR ANSWER DUE:** Within 30 days after this summons has been served upon you, including the day of service

**ATTORNEY(S) / SENDER(S):** R. Sadler Bailey  
Bailey & Greer, PLLC  
6256 Poplar Avenue  
Memphis, TN 38119  
901-680-9777

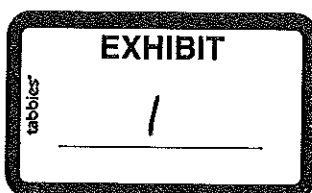
**REMARKS:** Tennessee Department of Insurance accepted service of documents on June 3, 2013

**ACTION ITEMS:** CT has retained the current log, Retain Date: 06/12/2013, Expected Purge Date: 06/17/2013  
Image SOP

**SIGNED:** C T Corporation System  
**PER:** Amy McLaren  
**ADDRESS:** 800 S. Gay Street  
Suite 2021  
Knoxville, TN 37929-9710  
**TELEPHONE:** 800-592-9023

Page 1 of 1 / AM

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of package only, not contents.



**STATE OF TENNESSEE**  
**Department of Commerce and Insurance**  
**500 James Robertson Parkway**  
**Nashville, TN 37243-1131**  
**PH - 615.532.5260, FX - 615.532.2788**  
**Jerald.E.Gilbert@tn.gov**

June 3, 2013

Nationwide Mutual Insurance Company  
800 S. Gay Street, Ste 2021, % C T Corp.  
Knoxville, TN 37929-9710  
NAIC # 23787

Certified Mail  
Return Receipt Requested  
7012 1010 0002 9225 3854  
Cashier # 9324

Re: Angel M. And Gary Morgan Jones V. Nationwide Mutual Insurance Company

Docket # CH-13-0744-1

To Whom It May Concern:

Pursuant to Tennessee Code Annotated § 56-2-504 or § 56-2-506, the Department of Commerce and Insurance was served May 30, 2013, on your behalf in connection with the above-styled proceeding. Documentation relating to the subject is herein enclosed.

Jerald E. Gilbert  
Designated Agent  
Service of Process

Enclosures

cc: Chancery Court Clerk  
Shelby County  
140 Adams Street, Rm 308  
Memphis, Tn 38103

**(CIRCUIT/CHANCERY) COURT OF TENNESSEE  
140 ADAMS AVENUE, MEMPHIS, TENNESSEE 38103  
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS**

**SUMMONS IN CIVIL ACTION**

Docket No. CH-13-0744-1

☐ Lawsuit  
☐ Divorce

Ad Damnum \$ \_\_\_\_\_

Angel M. Jones and Gary Morgan Jones, husband and wife

Nationwide Mutual Insurance Company

VS

Plaintiff(s)

Defendant(s)

TO: (Name and Address of Defendant (One defendant per summons))

Method of Service:

Nationwide Mutual Insurance Company

- ☐ Certified Mail  
☐ Shelby County Sheriff  
☒ Commissioner of Insurance (\$)  
☐ Secretary of State (\$)  
☐ Other TN County Sheriff (\$)  
☐ Private Process Server  
☐ Other

(\$ Attach Required Fees

You are hereby summoned and required to defend a civil action by filing your answer with the Clerk of the Court and serving a copy of your answer to the Complaint on R. Sadler Bailey Plaintiff's attorney, whose address is 6256 Poplar Avenue, Memphis, TN 38119, telephone 9016809777 within THIRTY (30) DAYS after this summons has been served upon you, including the day of service. If you fail to do so, a judgment by default may be taken against you for the relief demanded in the Complaint.

TESTED AND ISSUED

21 May 2013

TO THE DEFENDANT

D.C.

NOTICE; Pursuant to Chapter 919 of the Public Acts of 1980, you are hereby given the following notice:

Tennessee law provides a four thousand dollar (\$4,000) personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the Clerk of the Court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed. These include items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible and school books. Should any of these items be seized, you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

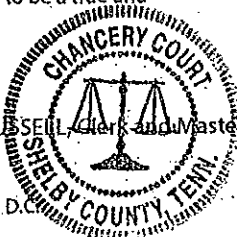
FOR AMERICANS WITH DISABILITIES ACT (ADA) ASSISTANCE ONLY, CALL (901) 222-2341

I, JIMMY MOORE / DONNA RUSSELL, Clerk of the Court, Shelby County, Tennessee, certify this to be a true and accurate copy as filed this

5-21-2013

JIMMY MOORE, Clerk / DONNA RUSSELL, Clerk and Master

By: [Signature] D.C.



RETURN OF SERVICE OF SUMMONS

I HEREBY CERTIFY THAT I **HAVE** SERVED THE WITHIN SUMMONS:

By delivering on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ M. a copy of the summons

and a copy of the Complaint to the following Defendant \_\_\_\_\_

at \_\_\_\_\_

Signature of person accepting service

By: \_\_\_\_\_

Sheriff or other authorized person to serve process

RETURN OF NON-SERVICE OF SUMMONS

I HEREBY CERTIFY THAT I **HAVE NOT** SERVED THE WITHIN SUMMONS:

To the named Defendant \_\_\_\_\_

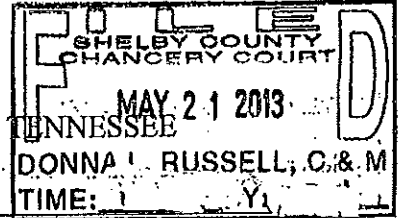
because \_\_\_\_\_ is (are) not to be found in this County after diligent search and inquiry for the following

reason(s): \_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

By: \_\_\_\_\_

Sheriff or other authorized person to serve process



TO THE CHANCELLORS OF THE CHANCERY COURT OF TENNESSEE  
FOR THE THIRTIETH JUDICIAL DISTRICT

ANGEL-M. JONES and GARY MORGAN  
JONES, husband and wife

Plaintiffs,

Docket No.: CH-13-0744-1

v.

NATIONWIDE MUTUAL INSURANCE  
COMPANY,

Defendant.

### **COMPLAINT FOR DECLARATORY JUDGMENT**

COME NOW, the Plaintiffs, Angel M. Jones and Gary Morgan Jones, by and through the undersigned attorney, and for cause of action against Defendants would show and state as follows:

#### **PARTIES**

1. Plaintiffs Angel Jones and Gary Morgan Jones, husband and wife, are adult resident citizens of Shelby County, Tennessee.

2. Defendant Nationwide Mutual Insurance Company (hereinafter referred to as Nationwide) is a corporation licensed to do business in Memphis, Shelby County, Tennessee.

#### **JURISDICTION**

3. Jurisdiction is proper before this Court pursuant to Tenn. Code Ann. § 29-14-102 which allows the Chancery Court to have "the power to declare rights, status, and other legal relations . . . ." Tenn. Code Ann. § 29-14-102(a).

4. Further, the matter herein is based on rights under a contract to which “[a]ny person interested . . . may have determined any question of construction or validity arising under the . . . [contract] and obtain a declaration of rights, status or other legal relations thereunder.” Tenn. Code Ann. § 29-14-103.

5. Venue is proper against this Defendant for this cause of action.

### **FACTUAL ALLEGATIONS**

6. On or about July 12, 2011, Plaintiffs purchased an automobile insurance policy and an umbrella insurance policy through Nationwide.

7. The automobile insurance policy includes a \$300,000 limit of liability for bodily injuries caused by an uninsured or underinsured motorist.

8. The umbrella insurance policy was purchased contemporaneously with the underlying automobile insurance policy.

9. The umbrella policy contains an exclusion for uninsured or underinsured boaters.

10. The umbrella policy does not contain an exclusion for bodily injuries or property damage caused by uninsured or underinsured motorists.

11. Plaintiffs were told by Nationwide’s agents when they purchased the automobile insurance policy that the umbrella policy provided additional coverage above the automobile insurance policy.

12. Nationwide’s agent did not say that the umbrella policy excluded uninsured or underinsured motorist coverage.

13. On March 1, 2013 at approximately 12:00 p.m., Plaintiffs were involved in an automobile accident on the upper drive of the Memphis International Airport in front of the Delta

ticketing area by a vehicle driven by Charles Anthony and owned by Premier Transportation Services, Inc. and/or Checker Cab Company of Memphis.

14. As a direct and proximate cause of this accident, Plaintiffs suffered serious and permanent injuries which would not have otherwise occurred.

15. Based on the above allegations, Plaintiffs filed a Complaint for Personal Injuries against Charles Anthony, Premier Transportation Services, Inc., and Checker Cab Company of Memphis in the Circuit Court of Shelby County, Tennessee on April 12, 2013, Docket Number CT-001604-13.

16. At the time of the accident, Nationwide provided automobile insurance coverage and additional coverage through an umbrella insurance policy to the Plaintiffs.

17. Plaintiffs served a copy of the Complaint for Personal Injuries on Nationwide through the Commissioner of Insurance on April 22, 2013.

18. After the March 1, 2013 accident occurred, Plaintiffs' counsel inquired from Nationwide whether Plaintiffs' umbrella policy covered bodily injuries caused by an uninsured or underinsured motorist.

19. On May 6, 2013, Nationwide responded to Plaintiffs' inquiry and stated that the umbrella policy did not provide coverage for bodily injuries caused by an uninsured or underinsured motorist.

20. Plaintiffs and Nationwide have a genuine controversy regarding whether the umbrella policy provides coverage for bodily injuries caused by an uninsured or underinsured motorist.

21. As a matter of law and fact, Plaintiffs are entitled to coverage under their umbrella

policy for bodily injuries sustained by an uninsured or underinsured motorist based on the laws governing construction of insurance policies and the representations made to Plaintiffs by Nationwide's agents.

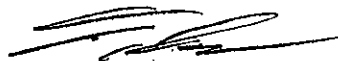
**PRAYER FOR RELIEF**

WHEREFORE, PREMISES CONSIDERED, Plaintiffs respectfully request that this Honorable Court:

- a. Adjudge that the Plaintiffs' Nationwide umbrella policy provides coverage for bodily injuries caused by an uninsured or underinsured motorist;
- b. That the Plaintiffs recover their costs in connection with this action; and
- c. That the Plaintiffs receive all such legal and equitable relief to which they may be entitled.

Respectfully submitted,

BAILEY & GREER, PLLC



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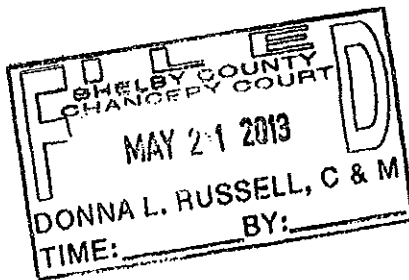
R. Sadler Bailey (#11230)  
Tyler B. Parks (#31386)  
Bailey & Greer, PLLC  
6256 Poplar Avenue  
Memphis, TN 38119  
Phone: (901) 680-9777  
Fax: (901) 680-0580



STATE OF TENNESSEE 30 <sup>th</sup> JUDICIAL DISTRICT CHANCERY COURT	<b>COST BOND</b> For Court Costs	DOCKET NUMBER  CH-13-0744-1
PLAINTIFF(S) Angel M. Jones and Gary Morgan Jones, husband and wife	DEFENDANT(S) Nationwide Mutual Insurance Company	

Pursuant to T.C.A. §20-12-120 et seq., I hereby acknowledge myself as surety for the costs in the above styled cause for an amount not to exceed \$500.00.

This the 20th day of May, 20 13.



Bailey & Greer, PLLC

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Firm

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Tyler B. Parks (#31386)

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By: Attorney/BPR No.

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6256 Poplar Avenue

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Address

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Memphis, Tennessee 38119

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City, State, Zip

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901-680-9777

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Telephone